

HON. ROBERT J. BRYAN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

DEBORAH J. DODSON,

Plaintiff,

vs.

MORGAN STANLEY DW INC.,

Defendant.

Case No. 3:06-cv-5669RJB

PRETRIAL ORDER

COME NOW the parties, by and through counsel, and submit the following proposed Pretrial Order, pursuant to Local Rule 16.1(h).

(1) Federal Jurisdiction: The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331, and 28 U.S.C. § 1343(a) (3) and (4). This Court may exercise supplemental jurisdiction over Plaintiff's state law claims for gender discrimination and defamation pursuant to 28 U.S.C. § 1367.

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(2) **Claims to be Pursued at Trial:** Plaintiff will claim disparate treatment and disparate impact gender discrimination, under federal and state law, as well as defamation.

Defendant may pursue at trial any and/or all of the following affirmative defenses:

Third Affirmative Defense: Statutes of Limitations (Defendant alleges that Plaintiff's Title VII cause of action is barred by its applicable statute of limitation).

Fourth Affirmative Defense: Failure to Exhaust Administrative/Internal Remedies (Defendant alleges that Plaintiff has failed to timely and appropriately exhaust her administrative and/or internal remedies with the appropriate internal processes). Ninth Affirmative Defense: Not Within Scope of Employment (As to Plaintiff's claim for defamation, Defendant alleges that Plaintiff fails to establish a claim against Defendant to the extent the alleged misconduct of Christopher Lucero did not occur during or within the scope of his employment with Defendant).

Eleventh Affirmative Defense: Failure to Mitigate Damages (Defendant alleges that, if Plaintiff sustained any damages by reason of the allegations in the Complaint, which allegations are denied, then Plaintiff may not recover for such damages because, by her own acts and omissions, Plaintiff has failed properly to mitigate those damages).

Thirteenth Affirmative Defense: Good Faith (As to Plaintiff's claim for defamation, Defendant alleges that any statements made about Plaintiff were made in good faith).

Fourteenth Affirmative Defense: Truth (Defendant alleges that any statements by Defendant about Plaintiff were not false).

(3) Admitted Facts:

(a) Dodson was hired as a Financial Adviser trainee by Morgan Stanley in its Tacoma, Washington office in 1996. She subsequently became a Financial Adviser with the firm.

(b) In 1998, John West entered into a Joint Production Agreement with Deborah Dodson. Under the terms of the Joint Production Agreement, West and Dodson agreed to a distribution of the income and profits generated under the Agreement.

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(c) On or about November 21, 2003, John West entered into a Joint Production Agreement with Christopher Lucero

(4) Factual Contentions:

Plaintiff contends as follows:

(a) During the course of her employment at Morgan Stanley, Dodson was repeatedly asked by the Branch Manager, Quang Bui, to arrange contacts and relationships between female friends of Dodson and Bui. Dodson declined to make arrangements for such contacts or relationships, and made clear to Bui that she did not wish to provide him with girlfriends or female companionship.

(b) Bui encouraged West to enter into a lucrative Joint Production Agreement with a Financial Adviser named Christopher Lucero. Bui advised West to enter into the more lucrative Agreement with Lucero in part due to Dodson's failure to provide him with opportunities to meet and date her female friends.

(c) Morgan Stanley's policy of allowing established financial advisors to subjectively choose partners for lucrative agreements resulted in disparate impact discrimination against Dodson.

(d) By failing to offer the same opportunities to Dodson as Lucero with respect to entry into a full Joint Partnership Agreement with West, and facilitating a full Joint Partnership Agreement between West and Lucero, Morgan Stanley engaged in disparate treatment discrimination based on gender against Dodson. The reason given by Morgan Stanley for the selection of Lucero to be the full partner of West - that Lucero was a knowledgeable, accomplished and hard-working Financial Adviser - was a pretext for discrimination against Dodson based on gender.

(e) The Joint Production Agreement between West and Lucero served to deprive Dodson of a vast portion of her income, as well as the opportunity to "inherit" West's book of business upon his retirement. It is a common practice for Financial Advisers to build their client base and book of business through the process of "inheriting" business from other Financial Advisers who retire or leave the firm.

Prior to the Joint Production Agreement between West and Lucero, Dodson had been in the position of being the Financial Adviser who would have “inherited” the substantial book of business served by West.

(f) Following the Joint Production Agreement between West and Lucero, Dodson’s opportunities at Morgan Stanley declined dramatically. The business that she had previously serviced under her Joint Production Agreement with West was mostly being serviced under his new, more comprehensive Joint Production Agreement with Lucero. The loss of business and income, along with the loss of the opportunity to “inherit” West’s book of business upon his retirement, also caused Dodson significant emotional distress and trauma.

(g) Dodson was laid off from Morgan Stanley in August 2005 for a failure to meet sales and income goals. Dodson would not have been subject to lay off in August 2005 had her business opportunities with Morgan Stanley not been vastly eliminated by the Agreement between West and Lucero.

(h) Upon Dodson’s departure from Morgan Stanley, Lucero, in the course and scope of his employment with Morgan Stanley, told many of Dodson’s clients that she had been overcharging them in her services as a Financial Adviser. These false and defamatory statements by Lucero caused many of Dodson’s clients to not follow her in her subsequent work as a financial consultant and broker, resulting in lost income and business opportunity to Dodson, as well as damage to her reputation in the community. These false and defamatory statements by Lucero also caused Dodson to suffer significant emotional distress and trauma.

(i) Dodson filed a charge of employment discrimination with the U.S. Equal Employment Opportunity Commission in August 2004. Following an investigation of the charge, the EEOC found reasonable cause to believe that defendant Morgan Stanley's policy of allowing established financial advisors to subjectively choose partners for lucrative agreements resulted in plaintiff Dodson being denied such a partnership in November 2003 because of her sex.”

(j) Plaintiff incurred damages for lost wages and benefits, and emotional and mental distress, as a result of the discrimination directed against her.

(k) Punitive damages should be awarded in favor of plaintiff and against defendant due to its malice and/or reckless indifference to the federally protected rights of plaintiff.

Defendant contends as follows:

(a) John West's decision to enter into a Joint Production Agreement with Christopher Lucero was made without regard to the sex of Deborah Dodson;

(b) John West did not choose Deborah Dodson for the Joint Production Agreement that he ultimately entered into with Christopher Lucero because the clients that were to be served by the Agreement were primarily interested in stock trading, and West believed that Lucero's experience, interests and client practice were better suited to serve the client base than Dodson's. West further had performance-related concerns in connection with the execution of his existing Joint Production Agreement with Dodson. West observed Dodson's work habits decline and felt that he and Dodson had different work styles and a different work ethic, demonstrated by Dodson coming in to work later and leaving earlier than she had previously done. His decision was unrelated to and without regard for Dodson's sex;

(c) Quang Bui did not encourage John West to enter into a Joint Production Agreement with Christopher Lucero and any involvement he had was without regard to Deborah Dodson's sex;

(d) Following Deborah Dodson's departure from Morgan Stanley, Christopher Lucero did not make any defamatory or false statements of fact to former clients of Deborah Dodson;

(e) Deborah Dodson did not suffer any damages as a result of any statements made by Christopher Lucero to her former clients.

(5) Issues of Law:

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(a) Issues presented by plaintiff's Motions in limine, which are as follows:

- (1) Whether and to what extent expert testimony should be allowed from Peggy Heller;
- (2) Whether and to what extent expert testimony should be allowed from Terry Lloyd;
- (3) The extent to which rebuttal expert testimony should be allowed from Philip E. Tetlock;
- (4) Whether defendant's previously undisclosed exhibits should be excluded from trial;
- (5) Whether defendant's previously undisclosed witnesses should be excluded from trial;
- (6) Whether defendant's proposed Exhibit G (Employment Security Determination) should be excluded from trial;
- (7) Whether evidence concerning plaintiff's child support obligations should be excluded from trial.

(b) Issues presented by defendant's Motions in limine, which are as follows:

- (1) Whether plaintiff's improperly disclosed witnesses should be precluded from testifying at trial;
- (2) Whether expert testimony should be allowed from Louise Roth;
- (3) Whether and to what extent expert testimony should be allowed from Eugene Silberberg;
- (4) Whether evidence of the EEOC Determination should be excluded from trial;
- (5) Whether evidence of any other claim, lawsuit, investigation, complaint or grievance involving defendants should be excluded from trial;
- (6) Whether any evidence regarding defendant's account distribution policy should be excluded from trial;
- (7) Whether stray remarks regarding "good ole boy" and/or "good ole boy network" should be excluded from trial;
- (8) Whether any evidence regarding Christopher Lucero's test scores should be excluded from

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trial;

(9) Whether to bifurcate the trial into liability and damages phases;

(10) Whether to exclude evidence of defendant's financial condition during the liability phase of trial;

(11) Whether to exclude punitive damages from consideration by the jury;

(12) Whether to exclude evidence regarding speculative damages from the trial;

(13) Whether and to what extent to exclude evidence barred by the statute of limitations

The Court has ruled on all of the foregoing Motions in Limine.

(6) Expert Witnesses

The names and addresses of the expert witnesses to be used by each party at the trial and the subject matter of their testimony shall be as follows:

(a) On behalf of plaintiff:

1. Eugene Silberberg (Will testify)

Bassett, Parks & Silberberg

1107 NE 45th Street, Suite 415

Seattle, WA 98105-4631

Phone: 206-633-4968

Dr. Silberberg is Plaintiff's expert economist, and will testify consistent with his report and deposition, as well as possible rebuttal of Defendant's expert.

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(b) On behalf of defendant:

1. Terry Lloyd (will testify)
3645 Perada Drive
Walnut Creek, CA 94598
Phone: 925.280.8126

Will testify regarding analysis of Plaintiff's earning loss, mitigation, and employability after her termination from Morgan Stanley. Additionally, Mr. Lloyd's testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf

(7) Other Witnesses:

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

(a) On behalf of the plaintiff:

Deborah J. Dodson (Will testify)
c/o Terry A. Venneberg
Attorney at Law
1126 Highland Avenue, Suite 101
Bremerton WA 98337
Phone: (360) 377-3566

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Ms. Dodson will testify concerning her claim of gender discrimination, including disparate treatment, encountered while employed by defendant; loss of income and earning capacity incurred by plaintiff as a result of the actions of defendant; emotional distress and other non-economic loss suffered as a result of the actions of defendant; damage to reputation as a result of the actions of defendant.

Jim Grant (Will testify)

805 105th Street S.

Tacoma WA 98444

Will testify concerning defamatory statements concerning plaintiff by Christopher Lucero.

Rosanna O'Neill (will testify)

1145 Broadway #1400

Tacoma, WA 98402

Will testify concerning discriminatory conduct and practices she observed while employed by defendant.

Mary Elstrom-Hobson (Will testify)

8223 E. Emilita Avenue

Mesa AZ 85208

Phone: (253) 460-1045

Ms. Elstrom-Hobson will testify about defamatory statements concerning plaintiff by Christopher Lucero.

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1 Jeffrey Snider (Will testify)

2 c/o Morgan Stanley

3 1301 A Street, Suite 300

4 Tacoma, WA 98402

5
6 Mr. Snider will testify consistent with his deposition concerning statements made by Mr. Bui and
7 Mr. West, his observations of Mr. Lucero, and generally about defendant's Tacoma operations.

8
9 John West (May testify live or via video deposition)

10 c/o Morgan Stanley

11 1301 A Street, Suite 300

12 Tacoma, WA 98402

13
14 Will testify on the subjects he was questioned about during his deposition in this matter, including
15 his professional interactions and agreements with Ms. Dodson and Mr. Lucero.

16
17
18
19 Christopher Lucero (May testify live or via video deposition)

20 c/o Morgan Stanley

21 1301 A Street, Suite 300

22 Tacoma, WA 98402

23
24 Will testify on the subjects he was questioned about during his deposition in this matter, including
25 his professional interactions and agreements with Ms. Dodson, Mr. Bui, and Mr. West, and his
26 statements to third parties.

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1 Thea Brown (Will testify via video deposition)

2 Morgan Stanley

3 101 California Street, Third Floor,

4 San Francisco, CA 94111

5
6 Ms. Brown participated in the in-house investigation related to this case, and will testify
7 consistent with her video deposition.

8
9
10 Quang Bui (May testify live or via video deposition)

11 c/o Morgan Stanley

12
13 Former Branch Manager. Will testify concerning the partnership agreements entered into
14 between plaintiff and other Financial Advisers employed by defendant; promises made to plaintiff
15 regarding partnership agreements and inheritance of accounts; discriminatory conduct and practices
16 directed toward plaintiff; loss of income and earning capacity incurred by plaintiff as a result of the
17 actions of defendant.

18 Wendy Warner (Will testify)

19 Morgan Stanley Human Resources Director

20 c/o Morgan Stanley

21
22 Will testify concerning her responses to plaintiff's discovery requests.

23
24 Beth Porter (May testify)

25 17204 - 124th KPN

26 Gig Harbor WA 98329

27 **Terry A. Venneberg**

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Ms. Porter will testify about defamatory statements concerning plaintiff by Christopher Lucero,
and plaintiff's damages.

Ted Ollinger (May testify)

17204 - 124th KPN

Gig Harbor WA 98329

Mr. Ollinger will testify about defamatory statements concerning plaintiff by Christopher Lucero
and plaintiff's damages.

Linda Danforth (May testify)

2106 N. Anderson Street

Tacoma, WA 98406

Ms. Danforth will testify about gender harassment and discrimination at Morgan Stanley.

Jamie Chase (May testify)

602 North M Street

Tacoma, WA 98403

Ms. Chase will testify about gender harassment and discrimination at Morgan Stanley

Larry Gaffney (May testify)

1002 South Yakima

Tacoma, WA 98405

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Member of TEA with knowledge about involvement by and communications about plaintiff.

Gary Johnson (May testify)

8023 Portland Avenue

Tacoma, WA 98404

Member of TEA with knowledge about involvement by and communications about plaintiff.

Don Gustafson (May testify)

2015 70th Avenue W

University Placer, WA 98466

Member of TEA with knowledge about involvement by and communications about plaintiff.

Glenn Thompson (May testify)

5314 Galleon Drive NE

Tacoma, WA 98422

Plaintiff's father, with knowledge of her damages.

Linda Thompson (May testify)

5314 Galleon Drive NE

Tacoma, WA 98422

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Plaintiff's mother, with knowledge of her damages.

T. Gary Connett (may testify)

McGavick Graves

1102 Broadway, Suite 500

Tacoma, WA 98466

Will testify regarding knowledge of plaintiff's damages.

Barbara Sherwood (May testify)

6205 50th St CT W

University Place, WA 98467

Will testify regarding knowledge of plaintiff's damages.

Rick D'Aurora (May testify)

25322 62nd Avenue CT E

Graham, WA 98338

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Will testify regarding knowledge of plaintiff's damages.

Bill Andrews (May testify)

22 Laurel Ridge Road

Southwick, MA 01077

Will testify about plaintiff's professional conduct and reputation.

Charles Andersen (May testify)

2621 North Proctor St.

Tacoma, WA 98407

Will testify about plaintiff's professional conduct and reputation.

Mary Jo Strom Copeland (May testify)

(The Travel Company)

2602 N Proctor, Ste. 206

Tacoma, WA 98407 253-564-8189

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Will testify about plaintiff's professional conduct and reputation.

George H. Kane Jr. (May testify)

Merrill Lynch
1215 Fourth Avenue
Seattle, WA 98161

Will testify about attempt to recruit plaintiff.

Bernie McClure (May testify)

c/o Morgan Stanley

Will testify about partnerships entered into at defendant's Tacoma branch and his knowledge of plaintiff's damages.

Vince Hardy (May testify)

c/o Morgan Stanley

Will testify about partnerships entered into at defendant's Tacoma branch and his knowledge of plaintiff's damages.

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1 Richard Devlin (May testify)

2 c/o Morgan Stanley

3
4 Will testify about partnerships entered into at defendant's Tacoma branch; disparate treatment
5 of male and female Financial Advisors at defendant.
6

7
8 Leonard Levene (May testify)

9 451 E 31st St.

10 Bremerton, WA 98310

11
12 Will testify regarding knowledge of plaintiff's damages.
13

14
15 Patrick Melville (May testify)

16 53773 Highway 112

17 Port Angeles, WA 98363

18
19 Will testify about plaintiff's professional conduct and reputation.
20

21
22 **(b) On behalf of the defendant:**
23

24 Quang Bui, Senior Vice President, UBS (will testify)

25 c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP
26

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One Market, Spear St. Tower

San Francisco, CA 94105

Phone: 415.442.1000

Will testify regarding his interactions with Ms. Dodson and Messrs. Lucero and West and the claims and allegations made by Ms. Dodson.

Christopher Lucero, Financial Advisor, Morgan Stanley (will testify)

c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP

One Market, Spear St. Tower

San Francisco, CA 94105

Phone: 415.442.1000

Will testify regarding his interactions with Ms. Dodson and Messrs. Lucero and Bui and the claims and allegations made by Ms. Dodson.

John West, Financial Advisor, Morgan Stanley & Co., Incorporated (will testify)

c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP

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Will testify regarding his interactions with Ms. Dodson and Messrs. Bui and Lucero and the claims and allegations made by Ms. Dodson.

Michelle Schroeder, Associate Financial Advisor, Morgan Stanley (will testify)
c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP
One Market, Spear T. Tower
San Francisco, CA 94105
Phone: 415.442.1000

Will testify regarding the claims and allegations made by Ms. Dodson. Additionally, Schroeder's testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf.

Jan Loucks, Morgan Stanley Compliance Officer (may testify)
c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP
One Market, Spear T. Tower
San Francisco, CA 94105
Phone: 415.442.1000

May testify specifically in rebuttal to Dodson's claims regarding the formation of the partnership between West and Lucero and other claims and allegations made by Ms. Dodson. Additionally, Loucks' testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf.

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1
2 Wendy Dixon, Morgan Stanley Branch Service Manager (may testify)

3 c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP

4 One Market, Spear T. Tower

5 San Francisco, CA 94105

6 Phone: 415.442.1000

7
8 May testify regarding the claims and allegations made by Ms. Dodson. Additionally,
9 Dixon's testimony may be based upon, responsive to, and/or in rebuttal to, issues
10 raised by and testimony given by Plaintiff and other witnesses who may testify on
11 Plaintiff's behalf.
12

13
14 Casey Stengel, Morgan Stanley Client Services Associate (may testify)

15 c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP

16 One Market, Spear T. Tower

17 San Francisco, CA 94105

18 Phone: 415.442.1000
19

20 May testify regarding the claims and allegations made by Ms. Dodson. Additionally,
21 Stengel's testimony may be based upon, responsive to, and/or in rebuttal to, issues
22 raised by and testimony given by Plaintiff and other witnesses who may testify on
23 Plaintiff's behalf.
24
25
26
27
28

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Sharon McDowell (may testify)

15314 64th Street East

Sumner, WA 98390

Phone: 253.863.6419

Will testify regarding the claims and allegations made by Ms. Dodson. Additionally, McDowell's testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf.

Thomas Eckland, Morgan Stanley Assistant Branch Manager (may testify)

c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP

One Market, Spear T. Tower

San Francisco, CA 94105

Phone: 415.442.1000

May testify, for impeachment only, specifically in rebuttal to Plaintiff's failure to mitigate her purported damages while employed by H&R Block. Additionally, Eckland's testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf.

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Cali Santa Cruz, Morgan Stanley Client Services Associate (may testify)

c/o L. Julius M. Turman, Morgan Lewis & Bockius LLP

One Market, Spear T. Tower

San Francisco, CA 94105

Phone: 415.442.1000

May testify, for impeachment only, specifically in rebuttal to Plaintiff's failure to mitigate her purported damages while employed by H&R Block. Additionally, Santa Cruz's testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf.

Warren Barde (may testify)

5243 South Tacoma Way

Tacoma, WA 98409

Phone: 253.475.5130

May testify regarding the claims and allegations made by Ms. Dodson. Additionally, Barde's testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf.

Billie Porter (may testify)

5739 61st Avenue West

University Place, WA 98467

Terry A. Venneberg

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Phone: 253.460.3248

May testify regarding the claims and allegations made by Ms. Dodson. Additionally, Porter's testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf.

Kevin Sullivan (may testify)

3016 106th Street South, No. 1

Lakewood, WA 98499

Phone: 253.589.0856

May testify, for impeachment only, regarding the claims and allegations made by Ms. Dodson. Additionally, Sullivan's testimony may be based upon, responsive to, and/or in rebuttal to, issues raised by and testimony given by Plaintiff and other witnesses who may testify on Plaintiff's behalf.

Defendant's position: Defendant reserves the right to call additional witnesses, including persons on Plaintiff's witness list for rebuttal or other appropriate purposes.

Plaintiff's position: Plaintiff objects to defendant calling any witness not listed on its witness list as set out above, save for those required on surrebuttal.

(8) Exhibits:

(a) Admissibility stipulated:

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Plaintiff's Exhibits

2. Morgan Stanley Joint Production Agreement Policy
4. Morgan Stanley Financial Advisor Compensation and Recognition Programs - 2003
5. Morgan Stanley Financial Advisor Compensation and Recognition Programs - 2004
6. Morgan Stanley Financial Advisor Compensation and Recognition Programs - 2005
7. JPA Addendum: Dodson/West - 2002
8. Joint Production Agreement: West/Lucero - November 21, 2003
9. Joint Production Acknowledgment: West - December 15, 2003
10. Joint Production Acknowledgment: Lucero - December 15, 2003
11. Joint Production Agreement: West/Lucero - December 15, 2003
12. JPA Addendum: West/Lucero - November 15, 2004
13. Joint Production Acknowledgment: West - November 21, 2003

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14. JPA Addendum: West/Lucero - August 1, 2006
19. FA Tacoma Branch - Medicare Earnings
20. West/Dodson JP Printout
22. West Production Number Printout
23. Financial Advisor Summary Printout
25. Bull Sheets - August 13, 2001- November 22, 2004
26. Bull Sheet - June 1, 2004
27. FA Reduction Memo - July 29, 2005
28. Snider/O'Neill Memorandum to Bui - December 5, 2003
29. Interview Notes: Jeff Snider - January 22, 2004
30. Snider/O'Neill Fax Transmission to T. Brown - January 22, 2004
31. Interview Notes: Rosanna O'Neill - January 15, 2004
32. Bui/O'Neill/Snider Interview Notes
33. Interview Notes: John West

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34. Interview Notes: Quang Bui - January 28, 2004
35. Notes re: "Conversation w/Quang Bui on 1/28/04"
36. Compliance Memo to Q. Bui - April 2, 2003
37. TEA Newsletter Page
38. Loucks to Dodson Memorandum - September 22, 2004
39. Lucero Notes re: Mary Elstrom-Hobson
40. Lucero Notes re: Morris & Virginia Jones
41. Lucero Notes re: Jim & Mary Mason
42. Lucero Notes re: Porter & Olinger
43. Lucero Notes re: Billie Porter
44. Memorandum from R. Sanchez re: FA Reduction - July 29, 2005
46. C. Lucero/Morgan Stanley Employment Records
49. Dodson H & R Block Earnings Records
50. Dodson Morgan Stanley Earnings Records

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51. West Morgan Stanley Earnings Records

52. Lucero Morgan Stanley Earnings Records

Defendant's Exhibits

A. Morgan Stanley Non-Discrimination and Anti-Harassment

B. Morgan Stanley on line Policies re Non-Discrimination and anti-Harassment

C. Morgan Stanley C.A. R. E. Convenient Access to Resolutions for Employees

D. Deborah J. Dodson's Application for Employment (SS# to be redacted)

E. EEOC Questionnaire re Charges of Discrimination (SS# to be redacted)

F. Deborah Dodson's Employee Receipt re Non-Discrimination and Anti-Harassment Policy

I. Memo re Star System

K. Report of West/Dodson partnership revenues

N. Report of revenues of West partnerships

O. Report of revenues of partnerships in the Tacoma branch of Morgan Stanley

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1 GG. Joint Production Agreement between Deborah Dodson and Richard Devlin,
2 10/20/00

3 HH. E-mail re Joint Production Number, 03/08/02
4

5 JJ. John West partnerships, 10/21/04
6

7 KK. National Sales roster of active FAs in Tacoma office 2000
8

9 MM. Rosanna O'Neill interview notes, 1/15/04
10

11 **(b) Authenticity stipulated; admissibility disputed**
12

13 **Plaintiff's Exhibits**
14

15 1 (EEOC Cause Determination);
16

17 3 (Morgan Stanley Account Distribution Policy);
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19 15 (FA Power Ranking Report – December 2003);
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21 16 (FA Power Ranking Report – February 2004);
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23 17 (FA Power Ranking Report – August 2004)
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25 18 (FA Power Ranking Report – December 2004);
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21 (National Sales – Tacoma Branch FA's);

24 (Monthly History Reports: 2000-2005);

45 (TEA Website Excerpt)

47 (C. Lucero Diagnostic Exam Score)

48 (C. Lucero UCSLE Score)

53 (Expert Report – Dr. Eugene Silberberg)

54-70 (Silberberg Deposition Exhibits)

71 (Expert Report – Dr. Louise Roth)

Defendant's Exhibits

H. E-mail re FA 110-110 Deborah Dodson

J. Memo and Printout re Deborah Dodson's Production Numbers

L. Report of Dodson revenues

M. Report of West revenues

P. Report of West/Dodson partnership clients

Q. Report of Dodson clients

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- 1 R. Report of departing West/Dodson partnership clients
- 2 S. Joint Production Agreement between Robert Woodford and Sharon McDowell,
- 3 11/25/98
- 4 T. Joint Production Agreement between Eric Ether and Rosanna O'Neill, 01/27/04
- 5
- 6 U. Joint Production Agreement between Richard Devlin and Michele Schroeder,
- 7 02/21/01
- 8 V. Update of Original Joint Production Agreement between Richard Devlin and Michele
- 9 Schroeder 07/12/04
- 10 W. Joint Production Agreement between Robert Pehl and Lynne Pehl, 05/19/03
- 11
- 12 X. Update in Commission Split Only, Joint Production Agreement between Robert Pehl
- 13 and Lynne Pehl, 12/06/04
- 14 Y. Joint Production Agreement between Bernice McClure and Sunday Tollefson,
- 15 03/09/05
- 16 Z. Joint Production Agreement between Jennifer Emmons-Carlson and Geoffrey
- 17 Johnson, 02/05/03
- 18
- 19 AA. Joint Production Agreement between Jennifer Emmons-Carlson and Geoffrey
- 20 Johnson, 10/19/01
- 21 BB. Joint Production Agreement between Nita N. Sell and Richard Devlin, 04/19/01
- 22
- 23 CC. Joint Production Agreement between Vincent Hardy and Sylvia Parker-Ginn,
- 24 02/13/01
- 25 DD. Joint Production Agreement between Vincent Hardy and Sylvia Parker-Ginn,
- 26 08/13/01
- 27
- 28

1 EE. Joint Production Agreement between John West and Sharon McDowell, 03/24/01

2 FF. Joint Production Agreement between John West and Lori MacLachlan, 10/26/00

3
4 II. Joint Production Agreement between John West and Robert R. Haan, 7/20/01

5
6 LL. Bui notes regarding complaints

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8 NN. Expert report of Terry Lloyd, 8/31/07

9
10 OO. Expert report of Peggy Heller, 8/31/07

11
12 PP. Expert report of Philip Tetlock, 9/24/07

13
14 **(c) Exhibits Withdrawn**

15
16 Defendant's Exhibit G

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27 **Terry A. Venneberg**

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(9) Action by the Court

(a) This case is scheduled for trial before a jury on December 17, 2007, at 9:30 a.m.

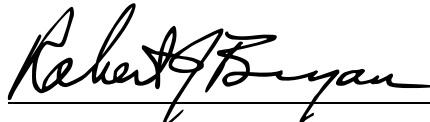
(b) Trial briefs shall be submitted to the court on or before December 7, 2007.

(c) Jury instructions requested by either party shall be submitted to the court on or before December 7, 2007. Suggested questions of either party to be asked of the jury by the court on voir dire shall be submitted to the court on or before December 7, 2007.

(d) Summary judgment granted as to plaintiff's claims for promissory estoppel and interference with business expectancy; summary judgment denied as to plaintiff's claims of disparate treatment gender discrimination, under state and federal law, and defamation. Reconsideration granted of court's dismissal of plaintiff's claim of disparate impact gender discrimination; court ruling that summary judgment on said claim was not before the court.

This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this 10th day of December, 2007.



ROBERT J. BRYAN

United States District Judge

FORM APPROVED:

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DATED this 30th of November, 2007.

By: /s/ Terry A. Venneberg

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DATED this 30th day of November, 2007.

By: /s/ Stephanie P. Berntsen

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